

North Dakota Board of Dental Examiners
MINUTES – Regular Meeting | January 20, 2023 | 12:00 PM
Meeting was held at Brady Martz Associates in Bismarck and by virtual means with Zoom.

Call to Order and roll call: Mr. Mehlhoff called the meeting to order at 12:00 pm CST.

<u>Board Members and Administrative Staff Attendance</u>	
Tim Mehlhoff, CPA, President	Alison Fallgatter, DDS
Dr. Megan Olson, DDS	Otto Dohm, DDS, MS
Joel Kangas, DDS	Jennifer Sarsland, DDS
Bev Marsh, RDH, President-Elect	Marcus Tanabe, DDS, OMFS, Secretary Treasurer
Rita Sommers, RDH, MBA, Executive Director	David Schaibley, Assistant Attorney General
Jacinda Simmons, Board Administrator	
Absent: Andrea Carlson, RDA	

Minutes

September 16, 2022 (Quarterly meeting): Dr. Fallgatter moved to approve the minutes. Motion seconded by Ms. Marsh. Dr. Tanabe and Ms. Carlson absent. Motion carried.

December 5, 2022 (Special meeting): Dr. Fallgatter moved to approve the minutes. Motion seconded by Dr. Kangas. Dr. Tanabe and Ms. Carlson absent. Motion carried.

Additions to Agenda

Review regional dental examinations: Currently the only examiners on the Board are Dr. Dohm and Ms. Marsh. Dr. Dohm recommends the Board review the exams and determine if they still meet the Board’s requirements. The biggest advantage to manikin exams is that they are standardized and eliminate the variables of live patients. The biggest disadvantage of manikin exams is that they do not have real teeth. Dr. Dohm believes the differences among the exams is significant.

[Dr. Tanabe present]

Dr. Dohm moved to solicit information from testing agencies for next meeting to discuss the exam differences. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1.

Dr. Dohm will contact CRDTS and Ms. Marsh will contact CDCA.

[Dr. Dohm & Ms. Marsh]

Treasurer’s Report

1099s: Ms. Sommers will send out the reports to the Board members.

[Ms. Sommers]

Renewal Report: The Board office is finishing up dental assistant renewals. Ms. Sommers and the Board office will try to determine if any of the almost 150 non-renewed assistants are practicing in ND. **[Ms. Sommers & Bd. Office]**

Status: The Board reviewed the license totals and list of non-renewed dental assistants.

Year	DDS in state	DDS Total	RDH in state	RDH Total	RDA/QDA in state	RDA/QDA total	Inactive DDS	Inactive RDH	Total in state	Total
2019	433	503	671	875	614	681	25	44	1718	2128
2020	426	473	694	843	687	811	26	47	1807	2200

2021	444	509	715	876	678	790	20	39	1837	2234
9/2022	424	487	692	851	715	858	23	45	1831	2264
1/2023	426	490	697	860	671	732	16	30	1794	2128

Audit: The Board reviewed the audit report and findings. The Board will need to have a new auditor for future audits.

4th Quarter Financials and CD renewals: One CD was transferred to checking. The Board may consider having a finance committee in the future. Mr. Mehlhoff and Ms. Sommers will meet to discuss the CD rates.

[Mr. Mehlhoff & Ms. Sommers]

Dr. Fallgatter moved to accept the treasurer’s and audit reports. Motion seconded by Mr. Mehlhoff. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1.

Ratification of license and registrants

Ms. Marsh moved to ratify the following license and registrations. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1.

First Name	Last Name	Title	License #	Date Licensed
Katelyn	Hixson	DDS	2478	10/18/2022
Tegwyn	Brickhouse	DDS	2477	10/24/2022
Elliott	Spenner	DDS	2479	1/6/2023
Roberta	Woodside	RDH	1883	9/19/2022
Brianna	Day	RDH	1878	10/7/2022
Taylor	Spain	RDH	1881	10/7/2022
Kaylee	Wolf	RDH	1572	10/12/2022
Haley	Deibert	RDH	1541	10/20/2022
Alexis	Hoffman	RDH	1884	12/13/2022
Jenna	Lang	RDH	1863	12/15/2022
Kaia	Paul	RDA	1838	9/28/2022
Nichole	Peschong	RDA	642	9/28/2022
Rina	Singh	RDA	1839	9/28/2022
Danielle	Simon	RDA	1840	10/13/2022
Abby	Kersey	RDA	1842	10/19/2022
Ayla	Marquez	RDA	1841	10/19/2022
Laura	Meyer	RDA	1779	10/19/2022
Kennedy	Sondrol	RDA	1645	10/27/2022
Joy	Baumgartner	RDA	1843	10/28/2022
Cambrie	Watson	RDA	1844	10/28/2022

Macy	Engel	RDA	1845	11/1/2022
Holly	Schaefer	QDA	1847	11/16/2022
Madison	Berggren	RDA	1849	11/23/2022
Whitney	Schons	RDA	1848	11/23/2022
Allyssa	Wittenberg	RDA	1762	11/23/2022
Ruby	Orduno	QDA	1850	11/30/2022
Anna	Wilkinson	RDA	1851	11/30/2022
Michele	Jorgensen	RDA	1852	12/7/2022
Lanae	Schick	RDA	1853	12/14/2022
Brittany	Ell	QDA	1854	1/1/2023

Committee Reports

Complaint Committee/Legal Issues & Updates (Dr. Dohm)

Executive Session: Dr. Fallgatter moved to enter into Executive Session. Motion seconded by Ms. Marsh. The legal authority for closing this portion of the meeting is NDCC 43-28-18.2. The topic of this executive session is to discuss complaints. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1. Members of the public were placed into a breakout session of the Zoom meeting. The Executive Session began at 3:58 pm CST. Executive Session ended at 5:34 pm CST and the public was invited back.

72-04252022 – The Board will send a letter for an update. **[Mr. Schaibley]**

74-06142022 – The Board is waiting for a signature on the settlement agreement. If not signed in 10 days, the Board will have a special meeting to take action against the license. **[Mr. Schaibley]**

75-06282022 – Dr. Dohm moved to revoke the license. Motion seconded by Dr. Kangas. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1. **[Mr. Schaibley]**

76-07132022 – Dr. Dohm moved to dismiss the complaint. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1. **[Mr. Schaibley]**

78-08292022 - Dr. Dohm moved to proceed with discipline with 6-month probation of license. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1. **[Mr. Schaibley]**

79-09172022 - Dr. Dohm moved to dismiss the complaint. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1. **[Mr. Schaibley]**

80-09202022 - Dr. Dohm moved to dismiss the complaint. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1. **[Mr. Schaibley]**

81-10032022 - Dr. Dohm moved to dismiss the complaint. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1. **[Mr. Schaibley]**

82-10222022 – Dr. Dohm moved to revoke the license. Motion seconded by Dr. Kangas. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1. **[Mr. Schaibley]**

83-11172022 - Dr. Dohm moved to send a non-disciplinary letter of concern. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1. **[Mr. Schaibley]**

85-12222022 – Hold for response.

86- 01052023 - Hold for response.

87-pending - The Board is waiting for a signature on the settlement agreement. If not signed in 10 days, the Board will have a special meeting to take action against the license. **[Mr. Schaibley]**

88-01182023 – Dr. Dohm moved to revoke the license. Motion seconded by Dr. Kangas. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1. **[Mr. Schaibley]**

84-pending complaint – Dr. Dohm moved to revoke the license. Motion seconded by Dr. Kangas. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1. **[Mr. Schaibley]**

Dr. Day – AAID exam Part 1 – The Board will forward the case to Minnesota. **[Mr. Schaibley]**

Status of Brian Nelson, DDS Agreement – He signed the settlement agreement for a 1-year probation.

Anesthesia Committee (Dr. Tanabe)

Site Evaluation – Dr. Bulik – Office had expired meds and anesthesia drug shortage issues.

Dr. Tanabe moved to send a letter of concern that the medications need to be updated and narcotics locked down and portable O2 is needed; to ask for an anesthesia drug list and expirations for all three offices; and if anesthesia is used at the Wahpeton office. Motion seconded by Dr. Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1.

Site Evaluation – Dr. Sellers – Everything looked good with no concerns.

Dr. Selle – He has completed the Parenteral Conscious Sedation coursework as requested by the Board.

CE Committee (Ms. Marsh)

Random Audits: Currently the Board audits 3% of renewed RDA/QDA registrants which comes out to about 25 total audits or 6 every quarter. Renewed dentists and hygienists are audited at 3% which comes out to about 40 total audits or about 10 each quarter. Dentists are more difficult to review. Ms. Marsh, upcoming Board president, passes the CE committee onto Ms. Carlson.

Ms. Marsh moved to appoint Ms. Carlson to head the CE committee and to complete CE audits. Motion seconded by Dr. Tanabe. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1.

Once Ms. Sommers and the Board office reviews the list of non-renewed dental assistants, the Board office will send a list of names for the dental assistant audit to Ms. Marsh and Ms. Carlson. Ms. Marsh will send the policies and information to Ms. Carlson. **[Bd. Office, Ms. Marsh, Ms. Carlson]**

Application Review Committee

Dr. Fisher Botox Application – Board approved the course he completed.

The Board is concerned that botox is being administered outside the law. Ms. Sommers and the Board office will send out a letter to dentists reminding them to practice within the law and that they must have a permit to administer botox. **[Ms. Sommers & Bd. Office]**

Legislative Committee

Mr. Schaibley reviewed the proposed bills that could impact the Board.

HB1154 – Concerns Administrative Hearings

HB1344 – Concerns the Administrative Rules Process

HB1372 – Concerns foreign practitioners allowing them to practice if they are competent and not a risk to the public.

SB2135 – Concerns insurance policies and reimbursement. More of an issue for practitioners than the Board.

SB2184 – Concerns all boards and their terms, renewals, and annual financial audits.

SB2249 – Concerns all boards being referred to the labor commission for services.

SB2296 – Concerns the decisions of an administrative law judge is final and not at the discretion of the Board.

SB2237 – Concerns all boards being referred to the OMB for services.

Ms. Sommers and Mr. Schaibley will work on testimony as needed. They will then contact two or three Board members of the Board to review. **[Ms. Sommers & Mr. Schaibley]**

Nominating Committee

Nothing to report.

Old Business

QDA Online Programs – NDRDA prep course is for QDAs only. One path is a 12-week program for those not working in an office and the other is a 6-week program for those already working in an office. There is a test they must complete with a dentist or hygienist and they also must complete the 300 hours of on-the-job training required by the Board. There are short tests online after each module. This could be used instead of DANB. The course costs the applicant about \$1200.

Annual Review of Disciplinary Procedures – Open Meetings and Executive Session (Schaibley) – Schaibley made the Board aware that all communication including texts and emails is subject to open records.

Executive Director Negotiations - A motion was made by Mr. Mehlhoff for the Board of Dental Examiners to affirm to North Dakota Public Employees Retirement System that the Board is formed pursuant to N.D.C.C. § 43-28-01 and is neither a non—profit corporation nor a for-profit corporation, to join the NDPERS Defined Benefit Retirement Plan and offer the plan to all eligible employees of the Board. The motion was seconded by Dr.

Fallgatter. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1.

The Board approved joining the NDPERS Defined Benefit Retirement Plan effective January 20, 2023.

Mr. Mehlhoff moved to offer Mr. Schaibley a salary of \$124,000 plus participate in the PERS program at \$15,000, paid leave is a part of the compensation package, and no compensation for healthcare, making the total package \$140,000; and that response is expected within a week. Motion seconded by Dr. Dohm. Motion carried. RCV: Mr. Mehlhoff, yes; Ms. Marsh, yes; Dr. Dohm, yes; Dr. Sarsland, yes; Dr. Kangas, yes; Dr. Fallgatter, yes; Dr. Olson, yes; Dr. Tanabe, yes. Ms. Carlson absent. Motion 8-0-1.

Mr. Schaibley will give a 30-day notice to the Attorney General's office to give them time to appoint a new AG for his clients.

Ms. Sommers to stay with the Board for the interim at \$20,000 per year. Ms. Sommers and Mr. Schaibley will discuss assigned duties once the offer is accepted.

Election of Officers

Ms. Marsh is the incoming president.

CHRI Form

Board members to sign form to verify they completed required training for BCI.

NDDA Statement/Letter

Reviewed by Board. No further discussion.

Silver Diamine Flouride-New CDT Code

Doctors will be adding new code to practice.

Dept. of Human Services; MN Medicaid Providers

Staff from the ND Dept. of Human Services were present for the discussion: Tammy Zachmeier, RN Utilization Review Administrator; Sara Regner, CPC; Melissa Rosales, SURS Analyst; Beth Steffan, Attorney. MN licensed providers are providing services in ND. An office is located 50 miles from the border and wants Medicaid payment for ND patient getting services in MN. Treatment plans being done by Advanced Dental Therapists. Mr. Schaibley states that Board can't tell Medicaid what they can and can't pay. Board only has jurisdiction over those licensed in ND. ND DHS will send a list of names of those MN providers providing services in ND. Ms. Regner will follow up with Headstart.

National Organizations; Regional Clinical Board; Trip Reports

AADA – 2022 Mid-Winter Meeting April 2023 – Nothing to report.

CRDTS – Nothing to report.

WREB/CDCA/CITA(ADEX) – Nothing to report.

FARB – Nothing to report.

Renumeration: 2023 Mileage Rate – 62.5 cents per mile

2023 Meeting Dates

March 31, 2023	1:00 pm	Bismarck
June 16, 2023	12:00 pm	Fargo
September 29, 2023	12:00 pm	Bismarck

7. Adjournment: Moved and seconded to adjourn the meeting. All voted in favor. The meeting adjourned at 5:48 pm.